

Exhibit 18

Deposition Excerpt of Sean DeNeale

February 7, 2017

1 STATE OF NORTH CAROLINA) IN THE GENERAL COURT OF JUSTICE
2) SUPERIOR COURT DIVISION
3 MECKLENBURG COUNTY) 13-CVS-11032
4 STATE OF NORTH CAROLINA ex rel.)
5 NORTH CAROLINA DEPARTMENT OF)
6 ENVIRONMENTAL QUALITY,)
7) DEPOSITION OF
8 Plaintiff,)
9) SEAN MICHAEL DeNEALE
10 vs.) Volume III
11)
12 SIERRA CLUB WATERKEEPER ALLIANCE,) February 7, 2017
13 SOUND RIVERS, WINYAH RIVERS) 9:07 A.M.
14 FOUNDATION, ROANOKE RIVER BASIN) Charlotte, NC
15 ASSOCIATION, and CAPE FEAR RIVER)
16 WATCH, INC.,)
17 Plaintiff-Intervenor,)
18)
19 vs.)
20)
21 DUKE ENERGY PROGRESS, LLC.,)
22 Defendant.)
23 _____
24

13 STATE OF NORTH CAROLINA) IN THE GENERAL COURT OF JUSTICE
14) SUPERIOR COURT DIVISION
15 MECKLENBURG COUNTY) 13-CVS-14661
16 STATE OF NORTH CAROLINA ex rel.)
17 NORTH CAROLINA DEPARTMENT OF)
18 ENVIRONMENT AND NATURAL RESOURCES,)
19 Plaintiff,)
20)
21 vs.)
22)
23 CATAWBA RIVERKEEPER FOUNDATION)
24 INC., APPALACHIAN VOICES, YADKIN)
25 RIVERKEEPER, MOUNTAINTRUE, DAN)
RIVER BASIN ASSOCIATION, ROANOKE)
RIVER BASIN ASSOCIATION, SOUTHERN)
ALLIANCE FOR CLEAN ENERGY, and)
WATERKEEPER ALLIANCE,)
Plaintiff-Intervenor,)
vs.)
DUKE ENERGY CAROLINAS, LLC,)
Defendant.)

1 A P P E A R A N C E S
2

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6 This is the transcript of the deposition
7 of SEAN MICHAEL DeNEALE, Volume III, being taken by Notice
8 issued by counsel for the Plaintiff/Intervenor, by consent
9 of counsel for the parties and in accordance with the North
10 Carolina Rules of Civil Procedure before Rebekah Gervin
11 Creel, Nationally Certified Verbatim Reporter and Notary
12 Public, in the offices of Hunton & Williams, LLP, 101 South
13 Tryon Street, Suite 3500, Charlotte, North Carolina, on the
14 7th of February, 2017, beginning at 9:15 A.M.

15

16 IT IS FURTHER STIPULATED AND AGREED by
17 and between counsel for the parties that the review and
18 signing of this transcript by the witness is hereby
19 reserved.

20 * * * * *

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23

24

25

1 SEAN MICHAEL DeNEALE, having provided a government
2 identification was duly sworn and testified as
3 follows:

4 EXAMINATION BY MR. GERKEN:

5 Q. Good morning, Mr. DeNeale.

6 A. Good morning.

7 Q. Thank you for your time today. I know you have been
8 deposed before in this case, so I'll skip some of
9 the preliminaries. I know you know the drill at
10 this point. Just to reintroduce myself, I'm D.J.
11 Gerken. I'm counsel for the Intervenors in this
12 litigation.

13 And to talk a little bit about the order of
14 questioning today. I'm going to talk to you,
15 principally, about Allen, Marshall, and Cliffside,
16 and groundwater issues related to them. My
17 colleague Myra Blake will ask questions about
18 Belews. And later today my colleague, Nick Torrey
19 will have questions about Mayo and Roxboro.

20 A. Okay.

21 Q. And then counsel for the State is here and may have
22 questions for you as well. I'd like to start just
23 by handing you two exhibits we're going to premark
24 as Number 1 and 2. Mr. DeNeale, you understand
25 you're here today because you have been identified

1 by Duke Energy as a designated witness pursuant to a
2 Rule 30(b)(6) deposition?

3 (WHEREUPON, DeNeale Exhibit Numbers 1 and 2
4 were presented for identification.)

5 A. I do understand that.

6 Q. Okay. Do you recognize Exhibit Number 1 I've handed
7 you here?

8 A. I have not reviewed this, no.

9 Q. Okay. Well, this is the subpoena we sent to Duke
10 Energy asking Duke to identify appropriate witnesses
11 to speak and have. If you turn to page 3, a series
12 of topics for examination --

13 A. Okay.

14 Q. -- and if you can look to Exhibit Number 2, you are
15 not copied on this e-mail, but have you seen it
16 before?

17 A. This is not familiar to me either.

18 Q. Okay. Well, I can represent to you that this is the
19 e-mail sent to us by counsel for Duke Energy
20 identifying you as the appropriate witness for
21 certain of these topics we identified for
22 examination. So I just want to talk to you about
23 those topics, briefly, and make sure you're ready to
24 speak to them.

25 A. Sure.

1 purposes, but the bulk of my questions are going to
2 focus on Belews Creek.

3 A. Okay.

4 Q. Does that sound okay? All right. And I'll start
5 with some kind of basic questions. Does the
6 groundwater flow through the ash basin at Belews
7 Creek?

8 A. Groundwater flow from upgradient directions flows
9 towards the basin and appears to have interaction
10 with the basin system at Belews Creek, yes.

11 Q. And does it flow out of the basin to the north of
12 the Belews Creek basin?

13 A. Generally, groundwater flow at Belews Creek is to
14 the north toward to the Dan River from the ash basin
15 system, yes.

16 Q. And does it discharge into Little Belews Creek?

17 A. I believe some of the groundwater does discharge
18 into Little Belews Creek before reaching the Dan
19 River, yes.

20 Q. And so it discharges directly into the Dan River?

21 A. May be the case or other drainages that aren't
22 Little Belews Creek.

23 Q. Okay. And does it also flow out of the basin to the
24 northwest as well?

25 A. There is a component of flow on the northwestern

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

CERTIFICATION IN LIEU OF
SIGNATURE PAGE

I, Rebekah Gervin Creel, Nationally Certified Verbatim Court Reporter and Notary Public in and for The County of Mecklenburg, State of North Carolina, do hereby Certify that on February 7, 2017 the deposition of Sean Michael DeNeale (Vol III) was taken by me and that the requirement that the deposition be signed was not waived;

Therefore, thirty days having elapsed since the date of notification to the witness through counsel, this certification is attached to the transcript in lieu of signature by the witness.

Witness my hand this 2nd day of May, 2017



Rebekah Gervin Creel, N.P.
Notary Public No.: 19942760095